

1  
2  
3  
4 GABRIEL MCDANIELS,  
5 Plaintiff,  
6 v.  
7 THOMAS ROSCH,  
8 Defendant.

9 Case No. 18-cv-06273-MMC  
10  
11

**ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORT AND  
RECOMMENDATION; DISMISSING  
COMPLAINT WITH LEAVE TO  
AMEND**

12 Re: Dkt. No. 4  
13  
14

15 Before the Court is Magistrate Judge Sallie Kim's Report and Recommendation,  
16 filed October 22, 2018, by which said Magistrate Judge recommends the Court dismiss,  
17 for lack of subject matter jurisdiction, plaintiff's complaint, filed October 12, 2018, and  
18 afford plaintiff leave to amend. No objection to the Report and Recommendation has  
19 been filed.

Having reviewed the matter de novo, the Court hereby ADOPTS the Report and  
Recommendation in its entirety.

Accordingly, plaintiff's complaint is hereby DISMISSED with leave to amend. If  
plaintiff wishes to file an amended complaint, such pleading must be filed no later than  
December 7, 2018.

**IT IS SO ORDERED.**

Dated: November 16, 2018

  
MAXINE M. CHESNEY  
United States District Judge